

"(1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the date of the enactment of this paragraph; and

"(2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in paragraph (1) and the cash wage in effect under section 6(a)(1). The additional amount on account of tips may not exceed the value of the tips actually received by an employee."

(c) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(g)(1) In lieu of the rate prescribed by subsection (a)(1), any employer may pay any employee of such employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be considered to have violated section 15(a)(3).

"(4) This subsection shall only apply to an employee who has not attained the age of 20 years."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The SPEAKER pro tempore, Mr. WALKER, announced that pursuant to House Resolution 440 the yeas and nays were ordered on the question of passage, and the call was taken by electronic device.

It was decided in the { Yeas 414 affirmative } Nays 10

62.26 [Roll No. 190] YEAS—414

- Abercrombie Brown (OH) Crapo
Ackerman Brownback Cremeans
Allard Bryant (TN) Cubin
Andrews Bryant (TX) Cummings
Archer Bunn Cunningham
Army Bunning Danner
Bachus Burr Davis
Baesler Burton de la Garza
Baker (CA) Buyer Deal
Baker (LA) Callahan DeFazio
Baldacci Calvert DeLauro
Ballenger Camp DeLay
Barcia Campbell Deutsch
Barr Canady Dickey
Barrett (NE) Cardin Dicks
Barrett (WI) Castle Dingell
Bartlett Chabot Dixon
Barton Chambliss Doggett
Bass Chapman Dooley
Bateman Chenoweth Doolittle
Becerra Christensen Dornan
Beilenson Chrysler Doyle
Bentsen Clay Dreier
Bereuter Clayton Duncan
Berman Clement Dunn
Bevill Clinger Durbin
Bilbray Clyburn Edwards
Bilirakis Coble Ehlers
Bishop Coburn Ehrlich
Blute Coleman Emerson
Boehlert Collins (GA) Engel
Boehner Collins (IL) English
Bonilla Collins (MI) Ensign
Bonior Combest Eshoo
Bono Condit Evans
Borski Cooley Everett
Boucher Costello Ewing
Brewster Cox Farr
Browder Coyne Fattah
Brown (CA) Cramer Fawell
Brown (FL) Crane Fazio

- Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrist
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinches
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-Donald
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall

- RAMSTAD
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—10

- Conyers
Dellums
Gutierrez
Menendez
Rangel
Rose
Serrano
Stark
Townes
Velazquez

NOT VOTING—9

- Bilely
Diaz-Balart
Largent
McDade
Molinari
Seastrand
Taylor (NC)
Vucanovich
Ward

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

62.27 ORDER OF BUSINESS— CONSIDERATION OF H.R. 1227

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That it may be in order during consideration of of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, pursuant to House Resolution 440, notwithstanding the order of the previous question, after 30 minutes of the 90 minutes provided for initial debate on the bill, as amended pursuant to the rule, for the Speaker to postpone further consideration of the bill until the following legislative day, on which consideration may resume at a time designated by the Speaker.

62.28 HOUR OF MEETING

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9:00 o'clock a.m. on Thursday, May 23, 1996.

62.29 PORTAL-TO-PORTAL

Mr. GOODLING, pursuant to House Resolution 440, called up the bill (H.R. 1227) to amend the Portal-to Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

When said bill was considered and read twice.

Pursuant to House Resolution 440, the following amendment in the nature of a substitute, as modified by the amendment printed in section 3 of said resolution, was considered as adopted:

SECTION 1. This Act may be cited as the "Employee Commuting flexibility Act of 1990".

SEC. 2. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.

Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by adding at the end of the following: "For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee."

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on the date of the enactment of this Act and shall apply in determining the